

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

iNEBULAR, INC.,

Plaintiff,

v.

DEUTSCHE BANK
TRUST COMPANY AMERICAS,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

Defendant Deutsche Bank Trust Company Americas¹ (“DBTCA” or “Defendant”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby remove this matter to the United States District Court for the District of Massachusetts, Eastern Division. The grounds for removal are as follows:

THE ACTION AND RELEVANT BACKGROUND

1. Plaintiff filed a Complaint and Demand for Jury Trial against Defendant Deutsche Bank North America on March 1, 2022, in the Superior Court of the Commonwealth of Massachusetts for Suffolk County, Case No. 2184CV02920 (“Complaint”).
2. Plaintiff asserts causes of action against diverse citizens. *See Compl.* ¶ 2.
3. On information and belief, Plaintiff is a corporate entity with headquarters in Saugus, Massachusetts. *See Compl.* ¶ 2.

¹ Plaintiff misidentifies Defendant as “Deutsche Bank Trust Company Americas.” DBTCA has never had any contact or dealings with Plaintiff in any capacity. To the extent another entity affiliated with Defendant is later identified as the proper defendant, Defendant states that none of its affiliated entities are incorporated or have a principal place of business in Massachusetts, and, thus, all such affiliated entities have an independent basis for removal on diversity grounds and consent to removal.

4. Defendant is a corporate entity with a principal office at 60 Wall Street New York, NY.

5. Copies of all process, pleadings, papers and orders filed in this action in the Superior Court of the Commonwealth of Massachusetts for Suffolk County are attached as **Exhibit A**.

VENUE, TIMELINESS, AND JURISDICTION

6. Defendant accepted service of the Complaint on or about March 1, 2022.

7. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of service of the Complaint. 28 U.S.C. § 1446(b).

8. On information and belief, the amount in controversy exceeds \$75,000, Plaintiff stated he sought at least \$124,800 in damages in the state civil action cover sheet. **Exhibit A**.

9. As complete diversity exists between the parties and the amount in controversy exceeds \$75,000, this Court has diversity jurisdiction of this action pursuant to 28 U.S.C. § 1332.

10. Accordingly, this action is removable from state court under 28 U.S.C. § 1441(a).

11. Venue is proper in the United States District Court for the District of Massachusetts under 28 U.S.C. § 1441(a) because the District of Massachusetts, Eastern Division, includes the Superior Court of Massachusetts for Suffolk County. 28 U.S.C. § 1441(a).

NOTICE TO THE PLAINTIFF AND ESSEX COUNTY SUPERIOR COURT

9. As required by 28 U.S.C. § 1446(d), a copy of the original notice of removal will be served on Plaintiff's counsel of record. In addition, a copy of this notice of removal will be filed with the Clerk of the Court for the Superior Court for Suffolk County.

Respectfully submitted,

DEUTSCHE BANK TRUST COMPANY
AMERICAS.

By their attorneys,

/s/ Jeanette M. Martinez Figueroa
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Dated: March 30, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March 2022 a true copy of the foregoing Notice of Removal was filed with the Clerk of the Court using the CM/ECF system, with a copy sent to counsel by first-class mail.

/s/ Jeanette M. Martinez Figueroa
Jackson Lewis P.C.